

May 14, 2019

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 14<sup>th</sup> day of May, 2019, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Merrifield called the meeting to order.

Councilmembers present were:

First District	Joshua D. (Josh) Rice
Second District	Frank G. Yann
Third District	Karl (David) Kennedy
Fourth District	Kenneth (Brad) Merrifield
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Absent:

Fifth District	Barry H. Bledsoe
Sixth District	Dora Kay Grubb

Also present were:

Acting City Manager	David Sago
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Police Chief	Steve Shine
Fire Chief	Edward Simmons
Utility Controller	Mark Moore
City Planner	Sandra Scaffidi

Rev. Robin Norsworthy gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Blood.

**IN RE: EXCUSE COUNCILMEMBER BLEDSOE AND GRUBB**

The Mayor entertained a motion to excuse Councilmembers Bledsoe and Grubb from this meeting.

Motion:

Councilmember Mason moved to excuse Councilmembers Bledsoe and

Grubb. Councilmember Blood seconded the motion.

The Mayor declared Councilmembers Bledsoe and Grubb excused by voice vote of Council.

### APPROVAL OF MINUTES

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Regular Meeting April 23, 2019.

Councilmember Blood moved to approve the minutes as submitted. The motion was seconded by Councilmember Mason.

The Mayor declared the minutes approved as submitted by voice vote of Council.

### PUBLIC HEARINGS

**IN RE: AN ORDINANCE OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING THE PROVISIONS OF ORDINANCE NO. 1534, AS AMENDED BY ORDINANCE NO. 1795, CODIFIED AS ARTICLE 920 OF PART NINE STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER ONE STREETS AND SIDEWALK AREAS OF THE FAIRMONT CITY CODE TO INCLUDE THE ESSENTIAL MUNICIPAL OR PUBLIC SERVICE OF POLICE PROTECTION FOR WHICH THE FUNDS, MONEYS, AND REVENUES RECEIVED FROM THE COLLECTION OF THE CHARGES ESTABLISHED BY SAID ARTICLE MAY BE USED**

Pursuant to a notice duly published in the Times-West Virginian on April 15, 2019 and April 22, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance amending the Street Maintenance Fee to include a Police Protection Fee.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

Acting City Manager Dave Sago spoke in favor of the proposed ordinance. He said back in February during the budget work session, the City Manager's report included information about the ordinance and how the funds were going to be broke down and the addition for the police protection part of the ordinance. It was also after that work session, built into the budget, and Council has approved that budget. He then asked that Council support the way that it is written and presented, not only at the work session, but also included in the budget and approve the ordinance as submitted.

**Tyler Hall**, Detective for the Police Department and President of the FOP local chapter, spoke in favor of the proposed ordinance. He said that the Police Department negotiated with the previous City Manager Robin Gomez and with Bruce McDaniel for a pay raise that our agency has not gotten since 2012. During those negotiations with Mr. McDaniel, he had brought up that they would have a service fee like how it was presented at the work session to address the recruitment and retention issues that the Police Department has been having. He went on to say that since 2012 they have had 36 officers leave the department, hired 34 officers, so they are not making any progress. He noted that a lot of that has to do with pay and other benefits that local agencies around here have that we don't. He said that they start off \$5,000.00 behind all of the local agencies in the area and it keeps getting worse for both the Police and the Fire. At 10 years, we are over \$8,000.00 behind on the year what another officer in another agency similar to ours makes. He added that the old pension is closed for the Police and the Fire so it is that much easier for officers to go somewhere else where they are making more money. He closed by saying that a new officer here that only has one year on from the Police Department can go somewhere else and make the same as what a supervisor is that worked here 10-15 years. He noted this is something that has been addressed in the Pay Plan. He then encouraged Council to pass the proposed ordinance not only so they can get their pay raise but the other city employees that this will affect by creating additional revenue that they can get their raise that they deserve.

**Steve Shine**, Police Chief, re-addressed the issue of the creation of a Police Protection Fee and stated right now they are pretty much funded from the General Fund and what this is going to do is going to be less to bring in money that is usually a surplus in the Street Paving Fee plus the City has been on track with the street paving and getting everything done. That is going to allow them to bring that surplus into the Police Fund to free up the General Fund for raises for other city employees to aid the retention and recruitment of employees all around the city. He added that they have a major recruitment/retention issue that is going to help resolve and that the whole surplus is just not going to their salaries but so that they are not such a drain on the General Fund and that we can better utilize money coming in from surplus for the Street Maintenance Fee. He said that they deserve the increase to make us competitive with our neighboring jurisdictions and stop the bleeding on some of our losses.

**Ed Simmons**, Fire Chief, stated that they have recruitment/retention issues in the Fire Department as well. He said that two out of the last eight firefighters have stayed for more than a year and that's it. He added that they have been promised for three years. City Manager Gomez put a three-

year plan together to put the Fire Department equal to other comparable city employees and this is the third year of that. He then stated that he appreciates Council's support on this ordinance. He noted that he understands that the street fund is in a surplus and is ahead of schedule on that and we need public service and public safety and he would appreciate Council's support.

The Mayor stated that when you lose people, he did not know how long it takes to become a veteran of either department but you are replacing those constantly with new people so there is a certain amount of suffering that you do and the experience level becomes affected. He noted that he was in support of the ordinance.

**Kelley Brett**, a resident on Cochran Street, stated that his issue is not with the raises that have been promised to these people for a long time but his issue is that Council is robbing a fund that was laid out for a specific purpose. If we need to implement a fund that is to try to subsidize a deficit that is specifically for emergency services, then let's do that. He said there are areas in town where incidences of speeding has gone up because we have made the roads better so now people can drive faster. Now we have roads that are better than any in the area. He said again that his biggest issue is that we are stealing this money and we are so caught up on the paving, dial that fee back and say that we have exceeded our expectations on this, dial that fee back, and then we implement one that is actually meant to serve this purpose rather than taking money from one hand and doing a shuffle.

There being no one else to speak, the public hearing was called to a close at 7:14 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE ACQUISITION OF THE ASSETS OF THE WATERWORKS SYSTEM OF MONTANA WATER ASSOCIATION INC. AND APPROVING AN ACQUISITION AGREEMENT BY AND AMONG MONTANA WATER ASSOCIATION INC., THE CITY OF FAIRMONT AND FAIRMONT WATER BOARD**

Pursuant to a notice duly published in the Times-West Virginian on April 29, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance approving an acquisition agreement with the Montana Water Association.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

Acting City Manager Dave Sago spoke in favor of the proposed ordinance. He said that Montana has been in a water association since 1963 and had a manager over the last 45-50 years that is in the process of or now retired. He has been in communication with Montana Water for many years because of where it lies between Meadowdale and Hoult Road and it ties into our system very well. He had also been an advocate that if you can expand the customer base versus raising rates, it's the right thing to do. The Public Service Commission is totally on board with the process and have been in an O&M Agreement with Montana Water Association since March 1<sup>st</sup> that was approved by the Public Service Commission. The WV Bureau of Public Health also is very supportive of what we are wanting to do here and the 311 customers of Montana deserve better, they do not have staff, they do not have a professional staff and we are going to be able to bring them into our system and offer them all of the amenities that we have here in Fairmont.

**Mark Moore**, Utility Controller, talked about the installation of the AMR's. He said his piece of this is the installation of the Automatic Meters (AMR). He explained that in our present system there is no more meter readers. We used to have a route that took three people all week to read 2,200 customers and now those meters are read in five minutes with no loss of jobs. Those people have been moved to other areas of the system involving leak detection, meter testing and things of that nature. We can now monitor customers that if their meter does not go to zero in two days, we are corresponding with the customers because chances are they have a leak because the meter should go to zero in 24-48 hours. As of the first of this year, we have sent out over 7,000 letters or emails to customers since we implemented this system in 2014-2016. The other thing they have implemented is a website that costumers can sign up for on any kind of media and log in and see exactly what is happening in your water the day before. These are the kinds of things that Montana is going to get and they will have the same opportunity and the same kind of professional service. This is at a no charge to the customers, all free.

Mr. Sago then asked Council to support the ordinance. He said that he would not put the utility with the City of Fairmont in harm's way if he did not think it was something that would benefit those customers but also will be beneficial to the utility itself.

There being no one else to speak, the public hearing was called to a close at 7:21 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CERTAIN CUSTOMERS OF THE WATER SYSTEM OF THE CITY OF FAIRMONT FORMERLY CUSTOMERS OF MONTANA WATER ASSOCIATION, INC.**

Pursuant to a notice duly published in the Times-West Virginian on April 29, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance setting forth the rates, fees and charges for service to the customers of the Montana Water Association.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

Acting City Manager David Sago also spoke in favor of this ordinance. He said that the Montana Water Association has a higher rate customer charge than we do in Fairmont. He then asked the Public Service Commission to include the Montana rate sheet into our tariff so if and when we are able to spend capital dollars in Montana, we are subsidizing all of those through Montana's customers and not the City of Fairmont's customers. He said that once this is approved, the Montana rate sheet will be part of our tariff and a supplement where the 311 customers in Montana will continue to get billed at the rate that they currently are and the City of Fairmont customers will be billed currently at the same rate that we are and the installation of the meters and any other infrastructure that we would be doing to upgrade Montana's system will be done through that fund and through those dollars. He noted that is the reason to add the second ordinance through this process and he would hope that Council will also support this order. It is part of the Montana acquisition.

Councilmember Kennedy stated that this was a big step and he is sure that it was well-received by the community of Montana. He said there is a tremendous cash coming there. He then asked if there was any feeling towards annexation of that area and bringing them into the City.

Mr. Sago replied he has not had that discussion with any of the folks. He said that he knows folks that live in the Montana area and the discussions that he has had with them, they are very grateful that we are willing to come and help them that have water breaks, etc. He said that annexation has not been a topic that he has discussed but he would say that someone could possibly entertain that.

Councilmember Kennedy said that it needs to be discussed and considered an offer in the future. He said that 311 households is a lot and one of the

solutions for the population in the City is to annex without taxing. He noted that it was a beautiful area and is a secret and should be part of the City, we should protect them.

Councilmember Rice noted that sometimes people live outside the city limits because they want to. He said it was a beautiful place but sometimes they want to live outside.

There being no one else to speak, the public hearing was called to a close at 7:25 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING CHAPTER NINE – JUDICIAL, ARTICLE 189 MUNICIPAL COURT OF THE FAIRMONT CITY CODE TO IMPLEMENT AND PROVIDE FOR A CERTAIN COURT COST RELATING TO THE SUSPENSION AND REINSTATEMENT OF DRIVERS’ LICENSES FOR NON-PAYMENT OR DEFAULT OF FINES AND FAILURE TO APPEAR OR RESPOND, TO BE CODIFIED AS SECTION 189.08, THEREOF**

Pursuant to a notice duly published in the Times-West Virginian on April 29, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance to implement and provide for a court cost relating to the suspension and reinstatement of drivers’ license for non-payment or default of fines.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

Chief Shine stated that he was not aware that this was going to be introduced. He tried to get the Municipal Court Clerk to come in to give some clarification on it. He said that he was not sure what spurred it other than some surrounding cities have enacted a fee for suspended licenses to get re-instated and he does know that it causes additional work for the Court Clerk. He also knows that it won’t be implemented on things like parking fines and that is all that he knows right now about this issue. He also mentioned there was talk about it being implement on \$5.00 fines but it’s not and it’s not going to relate to parking. It is going to offset some of the work that she has to do to process the suspended licenses and it is not going to be an additional fee that anybody that doesn’t take care of their stuff will have to face. He went on to say that what he understands, it will be a fee that they will have to pay to the City for the full re-instatement of their driver’s license. He then said that he will support anything that brings in a funding source to the City that is not on the back of law abiding citizens.

Councilmember Yann asked the Chief if this has nothing to do with people that do not pay their parking fines.

The Chief replied that is correct. He said that it has nothing to do with parking citations, only on moving citations.

Councilmember Blood made a comment but could not be heard on the recorder.

Chief Shine said that he understood her question and that she is worried about it affecting a portion of society that may not have good funding to begin with. He said that the way that our court works is that you can set up payment schedules as long as you are making some effort to pay off the fines. You make an appearance in front of the Judge and you let him know what your issues are and what your living situation is, then there is a good chance that he is going to work with you to make the arrangements. He then said that, believe it or not, but the suspension of driver's license usually affects people who make no attempt to appear in court and make no attempt to resolve their citations and things like that. He said that it would disproportionately affect people who don't care at all about making things rights but he does understand that it will make a harder impact on people who don't have a lot to begin with but there are remedies in place to try to take care of it before they get to the point where you have a suspended driver's license.

Councilmember Rice stated that he did not attend the last meeting but he asked the City Attorney how many driver's licenses were suspended or revoke from last year.

Mr. Sansalone replied that the Court Clerk told him that she had suspended 321 licenses last year.

There being no one else to speak, the public hearing was called to a close at 7:31 p.m.

**IN RE: AN ORDINANCE PROVIDING FOR THE SALE OF ONE (1) 2002 JOHN DEERE 6220 TRACTOR SIDE ARM/CUTTER OWNED BY THE CITY OF FAIRMONT TO THE FAIRMONT-MARION COUNTY REGIONAL AIRPORT AUTHORITY**

Pursuant to a notice duly published in the Times-West Virginian on April 29, 2019, a public hearing was convened to obtain citizen input on a proposed

ordinance providing for the sale of a 2002 John Deere Tractor (Mow-Trim) to the Fairmont-Marion County Regional Airport Authority.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

Acting City Manager Sago noted that this piece of equipment is no longer needed in Public Works since it is being changed out with a new piece of equipment. He said that it can be liquidated.

There being no one else to speak, the public hearing was called to a close at 7:32 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1803, DULY ADOPTED MARCH 12, 2019, TO BE CODIFIED AS SECTION 1765 OF THE FAIRMONT CITY CODE *FLOODPLAIN REGULATIONS* SO AS TO MAINTAIN COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND TO ENSURE RECEIPT OF FEDERAL FUNDING OR ASSISTANCE IN THE EVENT OF A DISASTER**

Pursuant to a notice duly published in the Times-West Virginian on April 29, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance amending the current Floodplain Ordinance.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

Sandra Scaffidi, City Planner, spoke in favor of the proposed ordinance. She said that this ordinance includes minor changes that were requested by FEMA after the last ordinance was adopted in March.

There being no one else to speak, the public hearing was called to a close at 7:33 p.m.

### **ANNOUNCEMENTS**

**IN RE: FSHS LACROSSE TEAM**

Councilmember Kennedy congratulated the Fairmont Senior High School

lacrosse team. He noted that they are on their way to states.

**IN RE: GAIL SPONAUGLE RECOGNIZED**

Councilmember Mainella recognized Gail Sponaugle, who managed the Montana Water Association for a long time. He noted that she was very devoted to this organization and she has served a lot of people with a lot of water for a lot of years and now she gets a well-deserved retirement.

**IN RE: CONGRATULATIONS TO GRADUATES**

Councilmember Blood extended congratulations to all the graduations from FSU and all of the high schools.

**CITIZENS PETITIONS**

**IN RE: OFFICER COCHRAN COMMENDED**

**STEVE SHINE**, Police Chief, wanted to bring this to Council's attention. He said that a couple Sunday's ago, the Police were dispatched to the 400 block of Walnut Avenue and unfortunately they were called there for an overdose. The female was unresponsive and not breathing. As per their protocol, anytime there is a suspected overdose, the Police respond first before EMS and in this case, Officer Freme and Officer Cochran were first to arrive and found a 48-year old female lying on the floor unresponsive and Officer Freme checked for a pulse and she did not have one. Officer Cochran began administering CPR and after performing CPR officers confirmed there was a pulse and they cleared the scene for EMS to come in and further brought her around. She survived her unintentional overdose and was later released from the hospital. Officer Cochran's quick response and recognition of the severity of the medical emergency and his immediate actions and his application of CPR resulted in him saving a life. Chief Shine wanted to make public the actions of Officer Cochran and his appreciation of him. Officer Cochran took action to save a life and hopefully she can make some better decisions in the future. This is another example of an act that the Police Department performs on a regular basis and found fitting to announce that during National Police Week where we are supposed to pay tribute to local, state, and federal law enforcement officers who served with courage, dedication and honor. There are police officers all around America that are working devotedly and selflessly for the people of this nation regardless of the perils or hazards to themselves and they do it with the upmost integrity, commitment and professionalism. He, as the law enforcement leader, wanted to make sure that he made this public announcement to make sure that all of his officers, 31 officers, working for him know that he appreciate

them during National Police Week.

**IN RE: PEACE OFFICER MEMORIAL DAY – MAY 15, 2019**

Chief Shine announced that tomorrow, May 15<sup>th</sup>, is dedicated as Peace Officers Memorial Day and it is to honor federal, state, and municipal officers who have been killed in the line of duty, not only in the line of duty, but disabled in the line of duty. He mentioned that in 2007, John Miller lost his ability to continue his career in law enforcement and is now an upstanding member of the Water Department. He said that he would hope that Council would realize our ability, heroics and professionalism that the Fairmont Police Department operates with. He added that he thought we were a step over everybody else in this area.

**CITY MANAGER’S REPORT**

**IN RE: SERVING AS ACTING CITY MANAGER**

Mr. Sago stated that he wanted to thank Council for the opportunity to serve as the Acting City Manager.

The Mayor thanked Dave for stepping in and serving in this position.

**CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: ADOPTION, AN ORDINANCE OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING THE PROVISIONS OF ORDINANCE NO. 1534, AS AMENDED BY ORDINANCE NO. 1795, CODIFIED AS ARTICLE 920 OF PART NINE STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER ONE STREETS AND SIDEWALK AREAS OF THE FAIRMONT CITY CODE TO INCLUDE THE ESSENTIAL MUNICIPAL OR PUBLIC SERVICE OF POLICE PROTECTION FOR WHICH THE FUNDS, MONEYS, AND REVENUES RECEIVED FROM THE COLLECTION OF THE CHARGES ESTABLISHED BY SAID ARTICLE MAY BE USED**

Mayor Merrifield entertained a motion for the adoption of an ordinance amending the Street Maintenance Fee to include a Police Protection Fee.

Motion:

Councilmember Mainella moved for the adoption of the proposed ordinance. Councilmember Blood seconded the motion.

Roll call was taken by the Clerk and the following votes were recorded:

Councilmember Yann	Yes	Councilmember Blood	Yes
Councilmember Mainella	Yes	Councilmember Kennedy	Yes
Councilmember Rice	Abstain	Councilmember Mason	Yes
Mayor Merrifield	Yes		

The Mayor declared the ordinance adopted by majority vote of those Councilmembers present and the ordinance designated as Ordinance No. 1812 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE ACQUISITION OF THE ASSETS OF THE WATERWORKS SYSTEM OF MONTANA WATER ASSOCIATION INC. AND APPROVING AN ACQUISITION AGREEMENT BY AND AMONG MONTANA WATER ASSOCIATION INC., THE CITY OF FAIRMONT AND FAIRMONT WATER BOARD**

Mayor Merrifield entertained a motion for the adoption of an ordinance approving an acquisition agreement with the Montana Water Association.

Motion:

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Blood seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1813 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CERTAIN CUSTOMERS OF THE WATER SYSTEM OF THE CITY OF FAIRMONT FORMERLY CUSTOMERS OF MONTANA WATER ASSOCIATION, INC.**

Mayor Merrifield entertained a motion for the adoption of an ordinance setting forth the rates, fees and charges for the customers of Montana Water Association.

Motion:

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Yann seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1814 was duly adopted.

**IN RE: TABLED, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING CHAPTER NINE – JUDICIAL, ARTICLE 189 MUNICIPAL COURT OF THE FAIRMONT CITY CODE TO IMPLEMENT AND PROVIDE FOR A CERTAIN COURT COST RELATING TO THE SUSPENSION AND REINSTATEMENT OF DRIVERS’ LICENSES FOR NON-PAYMENT OR DEFAULT OF FINES AND FAILURE TO APPEAR OR RESPOND, TO BE CODIFIED AS SECTION 189.08, THEREOF**

Mayor Merrifield entertained a motion for the adoption of an ordinance providing for court cost relating to the suspension and reinstatement of drivers’ license for non-payment for default of fines.

Motion:

Councilmember Blood moved that this item be tabled until Council can get more information on how it affects our citizens who may have difficulty paying this additional fee. Councilmember Rice seconded the motion.

Roll call was taken by the Clerk and the following votes were recorded:

Councilmember Mainella	No	Councilmember Rice	Yes
Councilmember Kennedy	Yes	Councilmember Yann	Yes
Councilmember Blood	Yes	Councilmember Mason	Yes
Mayor Merrifield	Yes		

The Mayor declared the ordinance tabled by majority vote of those Councilmembers present.

**IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR THE SALE OF ONE (1) 2002 JOHN DEERE 6220 TRACTOR SIDE ARM/CUTTER OWNED BY THE CITY OF FAIRMONT TO THE FAIRMONT-MARION COUNTY REGIONAL AIRPORT AUTHORITY**

Mayor Merrifield entertained a motion for the adoption of an ordinance providing for the sale of a 2002 John Deere Tractor (Mow-Trim) to the Fairmont-Marion County Regional Airport Authority.

Motion:

Councilmember Blood moved for the adoption of the proposed ordinance. Councilmember Rice seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1815 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1803, DULY ADOPTED MARCH 12, 2019, TO BE CODIFIED AS SECTION 1765 OF THE FAIRMONT CITY CODE *FLOODPLAIN REGULATIONS* SO AS TO MAINTAIN COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND TO ENSURE RECEIPT OF FEDERAL FUNDING OR ASSISTANCE IN THE EVENT OF A DISASTER**

Mayor Merrifield entertained a motion for the adoption of an ordinance amending the current Floodplain Ordinance.

Motion:

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Blood seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1816 was duly adopted.

**IN RE: ADOPTION, AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AFFIRMING DAVID SAGO AS ACTING CITY MANAGER UNTIL SUCH TIME AS VALERIE A. MEANS ASSUMES THE DUTIES AND RESPONSIBILITIES AS CITY MANAGER**

Mayor Merrifield entertained a motion for the adoption of an emergency ordinance affirming David Sago as Acting City Manager until such time as Valerie A. Means assumes the duties as City Manager.

Motion:

Councilmember Yann moved for the adoption of the proposed ordinance. Councilmember Rice seconded the motion.

The Clerk read the ordinance by synopsis for the first time.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1817 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND REVISING ARTICLE III, "THE MANAGER" OF THE FAIRMONT CITY CHARTER, AND MORE PARTICULARLY SECTION 3.01 *APPOINTMENT; QUALIFICATIONS; COMPENSATION* THEREOF, TO PROVIDE THE CITY MANAGER WITH THE OPPORTUNITY TO LIVE IN CERTAIN DESIGNATED UNINCORPORATED AREAS OF MARION COUNTY, WEST VIRGINIA WHICH EXIST OUTSIDE THE CORPORATE LIMITS OF THE CITY OF FAIRMONT**

Mayor Merrifield entertained a motion and second for the introduction of an ordinance amending the Charter to provide the City Manager with the opportunity to live in certain designated unincorporated areas of Marion County which exist outside the corporate limits of the City of Fairmont.

Motion:

Councilmember Mason moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Blood.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for June 11, 2019.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND REVISING ARTICLE II, "THE**

**COUNCIL" OF THE FAIRMONT CITY CHARTER, AND MORE PARTICULARLY SECTION 2.08 CITY CLERK THEREOF, TO ELIMINATE THE REQUIREMENT THAT THE CITY CLERK MUST BE A RESIDENT OF THE CITY OF FAIRMONT**

Mayor Merrifield entertained a motion and second for the introduction of an ordinance amending the Charter to eliminate the requirement that the City Clerk must be a resident of the City of Fairmont.

Motion:

Councilmember Mason moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Blood.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for June 11, 2019.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1771, DULY ADOPTED MAY 22, 2018, AS AMENDED BY ORDINANCE NO. 1802, DULY ADOPTED FEBRUARY 26, 2019, WHICH ORDINANCES PROVIDE FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, TO PROVIDE FOR BASE PAY INCREASE FOR CERTAIN CLASS PAY GRADES/CLASS PAY TITLES; CERTIFICATION PAY; AND 1.5% BASE PAY INCREASE FOR ALL EMPLOYEES, EXCEPT CITY MANAGER AND INFORMATION TECHNOLOGY TECHNICIAN**

Mayor Merrifield entertained a motion and second for the introduction of an ordinance amending the current Pay Plan ordinance to provide for base pay increases for certain class pay grades and a 1.5% base pay increase for all city employees except the City Manager and Information Technology Technician.

Motion:

Councilmember Rice moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Blood.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for May 28, 2019.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE GEORGE W. BOWERS FAMILY CHARITABLE TRUST FOR A GRANT TO FUND, IN PART, THE PURCHASE A NEW HVAC SYSTEM IN THE OLD CENTRAL FIRE STATION TO ENCOURAGE REUSE AS A CULTURAL ARTS FACILITY IN THE CITY OF FAIRMONT, AND IF SUCH GRANT IS AWARDED, FURTHER AUTHORIZING THE ACCEPTANCE THEREOF, AND PROVIDING THE CITY MANAGER WITH AUTHORITY TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH

Mayor Merrifield entertained a motion for the adoption of a resolution authorizing the submission of an application for a Bowers Grant to fund the purchase of a new HVAC system in the old Central Fire Station on Monroe Street.

Motion:

Councilmember Mason moved for the adoption of the proposed resolution and the reading of a synopsis in lieu of the entire resolution. The motion was seconded by Councilmember Mainella.

The Clerk read the proposed resolution by synopsis for the first time.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of those Councilmembers present.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS FOR A TRANSPORTATION ALTERNATIVES PROGRAM GRANT IN THE AMOUNT OF \$250,000.00 FOR INFRASTRUCTURE IMPROVEMENTS, AND IF SUCH GRANT IS AWARDED, FURTHER AUTHORIZING THE ACCEPTANCE THEREOF, AND PROVIDING THE CITY MANAGER WITH AUTHORITY TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH

Mayor Merrifield entertained a motion for the adoption of a resolution authorizing the submission of an application for a DOH Grant for infrastructure improvements.

Motion:

Councilmember Yann moved for the adoption of the proposed resolution and the reading of a synopsis in lieu of the entire resolution. The motion was seconded by Councilmember Rice.

The Clerk read the proposed resolution by synopsis for the first time.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of those Councilmembers present.

**IN RE: CONFIRM ONE COUNCILMEMBER APPOINTMENT, FAIRMONT PARKS COMMISSION, TERM TO END DECEMBER 31, 2022**

Mayor Merrifield entertained a motion for one Councilmember appointment to the Fairmont Parks Commission for a term to end December 31, 2022.

Councilmember Yann moved to confirm the appointment of Councilmember Josh Rice to the Fairmont Parks Commission for a term ending December 31, 2022. The motion was seconded by Councilmember Blood.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Josh Rice appointed to the Fairmont Parks Commission for a term ending December 31, 2022 by unanimous vote of those Councilmembers present.

**IN RE: CONFIRM ONE APPOINTMENT, FAIRMONT PARKS COMMISSION, SIX-YEAR TERM TO END JUNE 30, 2025**

Mayor Merrifield entertained a motion for one appointment to the Fairmont Parks Commission for a term to end June 30, 2025.

Councilmember Yann moved to confirm the appointment of Marianne Moran to the Fairmont Parks Commission for a term ending June 30, 2025. The motion was seconded by Councilmember Mason.

Roll call was taken by the Clerk.

The Mayor declared Marianne Moran appointed to the Fairmont Parks Commission for a term ending June 30, 2025 by unanimous vote of those Councilmembers present.

**IN RE: ADJOURN TO EXECUTIVE SESSION**

Mayor Merrifield entertained a motion to adjourn to Executive Session pursuant to WV Code 6-9A-4(2)(9) and City Charter Section 2.11(a)(3) – To consider matters involving or affecting the purchase, sale, conveyance or lease of real property. The motion was seconded by Councilmember Rice.

Roll call was taken by the Clerk.

The Mayor declared the meeting adjourned to Executive Session at 8:05 p.m. by unanimous vote of those Councilmembers present. The Mayor noted that no further action will be taken when the meeting is reconvened.

**IN RE: MEETING RECONVENED**

The Mayor declared the meeting reconvened at 8:32 p.m.

**ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mainella moved to adjourn the meeting. The motion was seconded by Councilmember Mason.

The Mayor declared the meeting adjourned by voice vote of Council at 8:33 p.m.